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From: Matvenko, Boris [BAMatvenko@mintz.com]
Sent: Thursday, June 04, 2009 5:16 PM
To: Pham, Michael (AU2167)
Subject: U.S. Patent Application No. 10/659,642
Attachments: PROPOSED CLAIMS.DOC

Re: U.S. Patent Application No. 10/659,642
 Title: "Method and Apparatus for Server Share Migration and Server Recovery Using Hierarchical Storage Management"
 Inventor: David G. Therrien et al.
 Filing date: September 10, 2003
 Attorney Docket No.: 25452-015

Dear Examiner Pham:

Thank you for for giving me an opportunity to speak with you on Tuesday, June 2, 2009.

Applicants have reviewed claim amendments proposed in Examiner's June 3, 2009 facsimile. Attached are proposed claim amendments as revised by Applicants. These amendments are indicated in red coloring (additions are double-underlined and deletions are crossed-out). Examiner's amendments have been retained without change unless noted otherwise (those are indicated in black underlining and bracketing). As a result of the amendments, the attached claim listing represents the following:

Claim 1 cancelled.
 Claim 2 amended to depend on claim 13 and an antecedent basis is corrected.
 Claim 3 amended to correct an antecedent basis is corrected. Dependency on claim 2 remain unchanged.
 Claim 4 amended to depend on claim 13 and an antecedent basis is corrected.
 Claim 5 amended to depend on claim 13.
 Claim 6 remain unchanged since the March 27, 2009 Amendment and Response.
 Claim 7 remain unchanged since the March 27, 2009 Amendment and Response.
 Claim 8 cancelled.
 Claim 9 amended to depend on claim 21 and repeating matter is deleted.
 Claim 10 remain unchanged since the March 27, 2009 Amendment and Response.
 Claim 11 amended to depend on claim 21.
 Claim 12 remain unchanged since the March 27, 2009 Amendment and Response.
 Claim 13 amended per Examiner's June 2, 2009 facsimile. Applicants also corrected antecedent basis and some informalities, including a comma in a second wherein clause and the word "contact" was changed to the word "content".
 Claim 14 cancelled.
 Claim 15 amended to depend on claim 13.
 Claim 16 amended to depend on claim 21 and an informality is corrected.
 Claim 17 remain unchanged since the March 27, 2009 Amendment and Response.
 Claim 18 amended to depend on claim 21.
 Claim 19 remain unchanged since the March 27, 2009 Amendment and Response.
 Claim 20 amended to depend on claim 5 and an antecedent basis is corrected along with an informality.
 Claim 21 is new. Please note that Applicants made amendments to the claim for it to be in compliance with Applicants' specification and to correct informalities.
 Claim 22 is new.

Please note that Applicants would like to retain dependent claims 2-12 and 15-19. As such, their dependencies were changed to respective independent claims 13 and 21. Since, the Examiner indicated that claims 13 and 21 are allowable, their respective dependent claims 2-12, 15-19, and 22 would be allowable as well for at least the reasons in connection with claims 13 and 21. These amendments are made in an effort to expedite prosecution of this application to allowance. Applicants reserve the right to pursue the subject matter of cancelled claims 1, 8,

and 14 in a continuation/divisional application.

Applicants believe that no fees are due in connection with these claim amendments, since three claims have been cancelled, including two independent, and two claims have been added. Thus, the total claim count is 19 including two independent claims.

The Examiner is invited to call Applicants' undersigned representative at 212-692-6858 for any clarification. Applicants respectfully request acknowledgement receipt of the above by a return email.

Thank you.

Respectfully submitted,

Boris A. Matvenko

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